19 51.

File No. Monuments II/51(rr)

Legal Deptt.

13 BRANCH

K

Subject:

Notifications under the Ancient Monuments Preservation Act, 1904

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File No. Monuments II/51 (rr)

Gen. 194 e.

401-B

Legal Department.

The relevant entries in the Constitution on the subject are entry 67 in List I, entry 12 in List II and entry 40 in List III in the Seventh Schedule to the Constitution.

Entry 67 in List I is as follows:-

"67. Ancient and historical monuments and records, and archaeological sites and remains, declared by Parliament by law to be of national importance."

Entry 12 in List II is as follows:-

"12. Ancient and historical monuments and records other than those declared by Parliament by law to be of national importance."

Entry 40 in List III is as follows:-

"40. Archaeological sites and remains other than those declared by Parliament by law to be of national importance."

2. So far Parliament has not declared by law any ancient or historical monuments or records or archaeological sites or remains to be of national importance. The existing law on the subject is contained in the Ancient Monuments Preservation Act, 1904. Section 3(1) of that Act empowers the Central Government to declare an ancient monument to be a protected monument. Under that section certain forts and places therein have been declared to be protected monuments. After the new Constitution came into force, the Act has not been adapted. The Act as it stands gives executive authority to the Central Government in respect of all existing monuments and sites to which the Act already applies. It will thus be seen that the historical forts to which the Act applies are under the executive authority of the Central Government and therefore it can be stated that the information relating to such forts is not within the cognizance of the State Government.

sd/-

Secretary to Government.

W.P. to P.I. No. 4614, dated the 22nd March 1951.

M.V.D.

Legal Department.

Attention is invited to this Department opinion No. 4614k dated 22nd March 1951 (copy appended), where similar question regarding historical forts was examined. For the reasons stated therein, the victory pillars which are declared to be protected monuments under the Ancient Monuments Preservation Act, 1904, are under the executive authority of the Central Government and it can be stated that the information relating to such pillars is not within the cognisance of the State Government.

sd/-

Secretary to Government.

U.O. to I.W.D. No. 6180 , dated the 17th April 1951.